

**OCT 15 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

**UNITED STATES OF AMERICA,**

Plaintiff - Appellee,

v.

**GAVINO ZARAGOZA,**

Defendant - Appellant.

No. 02-30349

D.C. No. CR-01-00455-ALH

**MEMORANDUM\***

Appeal from the United States District Court  
for the District of Oregon  
Ancer L. Haggerty, District Judge, Presiding

Submitted October 6, 2003\*\*  
Seattle, Washington

Before: **D.W. NELSON, KOZINSKI and McKEOWN**, Circuit Judges.

Assuming that the use of physical restraints at Zaragoza's sentencing hearing and during his allocution was error, such error was harmless. Williams v.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Woodford, 306 F.3d 665, 689 (9th Cir. 2002); United States v. Mack, 200 F.3d 653, 657 (9th Cir. 2000).

Nor was Zaragoza denied equal protection. The use of restraints was “intimately related to the State’s legitimate interest in maintaining custody during the proceeding[ ] and thus did not offend the Equal Protection Clause by arbitrarily discriminating against those unable to post bail or to whom bail had been denied.” Holbrook v. Flynn, 475 U.S. 560, 572 (1986).

**AFFIRMED.**